

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 13-184-JJM-PAS
ERIC NEGRON)	
)	

Eric Negron pled guilty to drug charges in 2014. He was sentenced to 180 months of imprisonment as a career offender pursuant to the advisory Sentencing Guidelines.

Mr. Negron has now filed, pro se, a second Motion to Vacate under § 2255 (ECF No. 40) alleging that his sentence violates the holding of the United States Supreme Court in *Johnson v. United States*, 135 S.Ct. 2551 (2015).¹

¹ Mr. Negron actually cites the case of *Johnson v. United States*, 559 U.S. 133 (2010); however, based on his briefing, the Court assumes he meant the *Johnson* case in 2015 holding that the residual clause of the Armed Career Criminal Act was unconstitutionally vague.

Mr. Negron's Motion to Vacate must be denied. The United States Supreme Court in *Beckles* ruled that the Court's holding that the due process vagueness of the residual clause in the Armed Career Criminal Act enunciated in *Johnson* does not apply to the career offender status under the Sentencing Guidelines. Because Mr. Negron was sentenced under the career offender section of the Sentencing Guidelines and not under the Armed Career Criminal Act, the *Johnson* holding does not apply to his sentence and therefore his motion to vacate is denied.²

Eric Negron's Motion to Vacate pursuant to 28 U.S.C. § 2255 (ECF No. 40) is DENIED.

IT IS SO ORDERED:



John J. McConnell, Jr.
United States District Judge

Date:

² Mr. Negron's motion could also be dismissed for many others reasons, but this Court need not address them in light of the clear ruling by the U.S. Supreme Court in *Beckles*.